

12-5-08 Draft
Wetland Conservation Act
Minnesota Rule Chapter 8420

Summary of changes from the 11-17-08 version of the draft rule.

The 12-5-08 draft rule includes the following changes since the 11-17-08 draft:

1. Changes resulting from the 12/20/08 BWSR Wetland Committee meeting.
2. Numerous edits relating to organization, grammar, punctuation, and wording clarification.
3. Minor wording changes to better clarify intent.
4. Specification of current requirements.

The following is a brief listing of substantive changes, with page references corresponding to the strikeout version of the 12-5-08 draft rule:

- **Wetland Boundary and Replacement Plan Applications** (LGU Application and Decision Procedures, subpart 2, page 13; and Wetland Boundary or Type Applications, page 16): Language was added to the 12-5-08 draft rule to clarify that a wetland boundary or type application: 1) may be submitted independently from a no-loss, exemption, replacement plan, or banking plan application; 2) after approval, may be incorporated into a subsequent no-loss, exemption, replacement plan, or banking plan application; and 3) when approved and incorporated into a subsequent application, may not serve as the basis for determining an application incomplete.
- **Landowner Reporting of Exemptions** (Exemption Applications, item C, page 17): The 11-17-08 draft rule encourages landowners to report information on exempt activities to BWSR. The 12-5-08 draft rule requires landowners to report exempt activities to BWSR.
- **Replacement Plan Applications** (Replacement Plan Applications subpart 3, page 19): A sub-item was added for replacement plan applications to include a description of how the replacement wetland meets the ecological suitability and sustainability requirements of the Replacement Standards part.
- **Replacement via Banking** (Replacement Plan Applications subpart 3 item C and subpart 4 item C, page 20): Provisions were added to identify the information required to be included with a replacement plan that utilizes bank credits for replacement, and to be clear that an approval of a replacement plan utilizing bank credits for replacement is not valid until the credits have been withdrawn.
- **Determining Replacement Ratios** (Replacement Standards subpart 3, page 36): Two tables were added to summarize replacement ratios.
- **Upland Buffers** (Replacement Standards subpart 6, pages 37 and 38): For replacement wetlands less than 2 acres in size, the required buffer width was changed from a minimum of 25 feet to an average of 25 feet. Language was also added to allow for LGU variance of the buffer requirements when it is ecologically beneficial based on a review by the TEP.
- **Wetland Banking Applications** (Establishing a Wetland Bank Site subparts 1 and 3, page 56): Language was added to clarify the wetland bank application requirements.
- **Duration of Monitoring** (Replacement Wetland Monitoring subpart 3, page 61): Language was edited to clarify intent. The monitoring period is 5 growing seasons, but applicants may request early TEP review and certification of replacement no sooner than after the 3rd full growing season.